

Department of Energy
Oakland Operations Office
Office of Chief Counsel
Intellectual Property Law Division

ATTACHMENT Q

Livermore Office
P.O. Box 808, L-378
Livermore, CA 94550
(510) 422-4367
FAX (510) 422-8228

Henry Sartorio, LLNL Patent Group, L-703

Subject: DOE Patent Docket No.: S-85,915 (RL-13534)
LLNL Docket No.: IL-9928
Title: Integrated Optical Capillary Electrophoresis Chemical Microsensor
Inventor(s): Anthony J. Ruggiero
Under DOE Contract No.: W-7405-ENG-48


The Laboratory's transmittal to this office on [REDACTED] of the above-identified invention disclosure is acknowledged with appreciation. The invention disclosure has been assigned the above-indicated DOE Patent Docket (S and RL) numbers. Your reference to those numbers in future communications with this office will be helpful.

Based on the funding information provided to DOE in the invention disclosure, the commercial rights to this invention may be readily obtainable by the Laboratory/University (or the inventor) during the first two years following disclosure of the invention to DOE. This invention appears to be either electable under the provisions of the above contract or available under the expedited Election Memorandum procedures of DOE's Defense Program Class Waiver W(C) 92-002.

In an effort to give the Laboratory as much latitude as possible to decide on commercialization of the invention, this office of DOE will hold the invention in abeyant status for a period of two years from the above date of the invention disclosure. As set forth in paragraph (c)(3) of the above contract, if the University wants the commercial rights to the invention, the Laboratory must elect to retain title to the invention within this two year period. **However**, if publication, public sale or public use of the invention has initiated the one year statutory period for ending U.S. patent protection, the period for election of title is shortened by DOE to end 60 days before the U.S. statutory (bar date) period. Therefore, it is important for this office to be notified **immediately** about any publication, public sale or public use.

Generally during this abeyant status period, DOE takes no action on protecting the invention by filing of a U.S. patent application. Instead DOE relies on the Laboratory to carefully evaluate the invention's potential and decide whether or not to obtain the commercial rights in the invention. If the Laboratory elects the invention or has an Election Memorandum granted by DOE, the Laboratory must file the patent application. However, during the two year period of election, should the Laboratory decide, and inform DOE in writing, not to elect the invention or not to file the Election Memorandum for the invention, then DOE will evaluate the invention and decide if protection by filing of a U.S. patent application is warranted to meet the Government's needs.

If there are any questions concerning this letter or DOE actions, please feel free to contact this office at 422-4367.


William C. Daubenspeck
Patent Attorney

cc: Anthony J. Ruggiero, LLNL, L-183

WCD:JLR:wkc